

RESOLUTION 2013 - _____

RECOGNIZING THE CULTURAL/HISTORIC VALUE OF GRAZING AND PLACING THE ESCALANTE HISTORIC/CULTURAL GRAZING REGION ON THE COUNTY REGISTER OF CULTURAL AND HISTORIC RESOURCES

WHEREAS, Garfield County recognizes the value and importance of heritage and culture, including but not limited to, natural history, historical activities, architecture, agricultural industries, archaeological, economic enterprises, engineering, cultural resources, sites, and artifacts; and

WHEREAS, Garfield County supports efforts to preserve, develop, interpret, use, and enjoy the history, heritage, culture, and traditional activities in the County; and

WHEREAS, Cultural Resources have monetary, cultural, historic, moral, and intrinsic value; and

WHEREAS, Cultural Resources that are removed from the County result in a loss of monetary, cultural, historic, moral, and intrinsic values; and

WHEREAS, Utah Code Annotated 17-50-302 (1) (a) (ii) authorizes Counties to exercise powers reasonably related to the safety, health, morals, and welfare of county inhabitants; and

WHEREAS, It is within the scope of authority of the Board of Commissioners of Garfield County to exercise powers necessary and proper to protect public safety, health, promote public prosperity and improve the morals, order, comfort and convenience of the inhabitants of Garfield County pursuant to the provisions of the Constitution and laws of this State; and

WHEREAS, promoting harmony of man in his environment is a proper function of government; and

WHEREAS, Federal laws and regulations (e.g. the National Environmental Policy Act, FLPMA, NFMA etc.) contain reciprocal requirements concerning cooperation, consultation and coordination by Federal agencies with state and local governments and such cooperation has not been fully implemented; and

WHEREAS, Multiple-Use Management and Livestock Grazing have been threatened to the point of extinction and have created catastrophic health, safety, welfare, cultural, and economic impacts to Garfield County; and

WHEREAS, The Escalante Historic/Cultural Grazing Region is one of the few remaining areas in the world where grazing practices have maintained their traditional culture, values and heritage, including the presence of real working cowboys; and

WHEREAS, Continuation of current public land management practices diminishes opportunities for viable grazing and threatens the custom, culture, heritage, value and morals incorporated in the Escalante Grazing Zone; and

WHEREAS, Various special interest groups and public land managers are attacking the custom, culture, heritage, values, and morals of Garfield County through proposals to eliminate or reduce grazing on public lands;

WHEREAS, Grazing in the Escalante Historic/Cultural Grazing Region is under threat by outside forces that are not interested in the health and welfare of residents of Garfield County; and

WHEREAS, Grazing in the Escalante Historic/Cultural Grazing Region has experienced significant attacks threatening its continued existence; and

WHEREAS, Private and governmental efforts have been launched to destroy grazing with its associated historic and cultural values in Garfield County; and

WHEREAS, The loss of grazing in the Escalante Historic/Cultural Grazing Region would create a significant void in the custom, culture, morals, economics, and value system for current and future generations; and

WHEREAS, ancient hunters and gatherers were heavily dependent on habitat conditions which promoted grazing; and

WHEREAS, grazing activities provided a vital ecological and societal benefit to the residents of Garfield County prior to the European settlement; and

WHEREAS, Grazing and ranching have shaped the rich human history of the Escalante Historic/Cultural Grazing Region; and

WHEREAS, Grazing was one of the initial activities conducted by settlers in the Escalante Historic/Cultural Grazing Region; and

WHEREAS, The American Cowboy is an icon symbolizing how nature shapes human endeavors in the American West; and

WHEREAS, The Escalante Historic/Cultural Grazing Region retains much of the remote frontier atmosphere that was typical of the western United States during settlement; and

WHEREAS, Grazing in the Escalante Historic/Cultural Grazing Region has created a respect for federal lands among the residents of Garfield County; and

WHEREAS, Gazers in the Escalante Historic/Cultural Grazing Region have improved the land by range improvements, water developments, access improvements, weed control, reductions of undesirable fuels, providing nutrients, and many other aspects; and

WHEREAS, many of the public lands in the Escalante Historic/Cultural Grazing Region have been designated for multiple use activities including the development of food resources for the nation; and

WHEREAS, residents and visitors to Garfield County have enjoyed the custom, culture and heritage and have received a significant benefit to their health, welfare and development as result of grazing in the Escalante Historic/Cultural Grazing Region; and

WHEREAS, the value of public land grazing has been recognized by numerous federal statutes, the Taylor Grazing Act, and enabling legislation for Capitol Reef National Park, Glen Canyon National Recreation Area, and the Grand Staircase-Escalante National Monument; and

WHEREAS, Garfield County recognizes and desires the benefits grazing in the Escalante Historic/Cultural Grazing Region provides for residents and visitors to the area; and

WHEREAS, the federal government has set aside specific areas throughout the Nation for recreational, historic and cultural activities which not impacted by grazing; and

WHEREAS, visitors to the area know or should know that grazing in the Escalante Historic/Cultural Grazing Region is an activity of historical and cultural significance; and

WHEREAS, residents and visitors to the area who are offended by grazing in the Escalante Historic/Cultural Grazing Region have adequate opportunities to choose other places to conduct their activities; and

WHEREAS, the number of places where cowboys and grazing can be observed is diminishing at a rapid rate; and

WHEREAS, American urbanization makes grazing in the Escalante Historic/Cultural Grazing Region a unique activity with outstandingly remarkable values; and

WHEREAS, If the historic, cultural, educational, and moral benefits of grazing in the Escalante Historic/Cultural Grazing Region are lost, irreparable harm to the environment and the public occurs; and

WHEREAS, Grazing in the Escalante Historic/Cultural Grazing Region is an activity that has occurred for more than 100 years, it may be considered an activity of archeological significance.

NOW THEREFORE, IT IS ORDAINED BY THE GARFIELD COUNTY COMMISSION TO HEREBY ADOPT THE ESCALANTE HISTORIC/CULTURAL GRAZING REGION ACT AS FOLLOWS:

ESCALANTE HISTORIC/CULTURAL GRAZING REGION ACT

An ordinance creating the Escalante Historic/Cultural Grazing Region

Placing specified grazing activities within the Region on the County Register of Cultural Resources

Adopting requirements that favor livestock grazing and active rangeland management for the benefit of livestock grazing in the Escalante Historic/Cultural Grazing Region

Adopting this Ordinance as part of the Garfield County General plan

ESCALANTE HISTORIC/CULTURAL GRAZING REGION ACT

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SECTION 1 PROTECTION OF RESOURCES

1.1 PURPOSE

(a) This ordinance implements provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all land managers/persons in providing protection for the Escalante Historic/Cultural Grazing Region as a cultural resource located on lands in Garfield County. These regulations enable land managers and local officials to protect cultural resources, taking into consideration State and Federal statutes, through permits authorizing impacts to or removal of cultural resources, through penalties for unauthorized impacts to or removal of cultural resources, through provisions for the preservation and enhancement of cultural resources, and through provisions for coordinating management of specific activities to create a benefit to the resource.

(b) The ordinance does not impose any new restrictions on activities permitted under other laws, authorities, and regulations relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(c) The ordinance establishes the Escalante Historic/Cultural Grazing Region and includes it on the Garfield County register of cultural resources.

(d) The ordinance establishes procedures for impacting habitat that could result in a detrimental effect on cultural resources protected in the Escalante Historic/Cultural Grazing Region.

(d) The ordinance establishes criteria for considering the Escalante Historic/Cultural Grazing Region and its associated cultural resources as *Outstandingly Remarkable or Important - Relevant* in connection with federal land management processes and special designation evaluations.

1.2 AUTHORITY

(a) This ordinance is compatible with existing law which requires that the Federal land managers jointly develop uniform rules and regulations for carrying out the purposes of Federal protection acts.

(b) Federal law provides that each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations as may be necessary for carrying out the purposes Federal preservation acts.

(c) In addition to federal regulations, the Utah State Legislature has recognized the value and interest of cultural resources to the public. Utah Code Annotated 17-50-326 authorizes Counties to:

(1) Preserve, protect and enhance cultural sites and areas;

(2) Insure proper development and utilization of lands adjacent to cultural sites and areas;

(d) U.C.A 17-50-302 authorizes County Commissions to exercise powers and perform functions related to the safety, health, morals, and welfare of County inhabitants

(e) U.C.A 17-50-316 authorizes County Commissions to provide for the protection and the development of historical, cultural and other resources.

(f) U.C.A. 63J-8-105.6 Creates the Escalante Historic/Cultural Grazing Region Zone and identifies findings, management and land use priorities.

1.3 DEFINITIONS

As used for purposes of this ordinance:

(a) Archaeological Resource means any material remains of human life or activities which are at least 100 years of age, and which are of archaeological interest as identified in Garfield County's Protection of Cultural Resources Ordinance.

(b) Cultural Resource includes, but is not limited to, any object, building, structure, site, area, place, activity, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural development of Garfield County.

(c) Escalante Historic/Cultural Grazing Region means BLM, Forest Service, and National Recreation area lands situated in the following townships in Garfield County, as more fully illustrated in the map attached as Exhibit 1:

Township 32S Range 6 E, Township 32S Range 7E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E, Township 34S Range 3E, Township 34S Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E, Township 35S Range 1E, Township 35S Range 2E, Township 35S Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E, Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E, Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E,

Township 36S Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E, Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S Range 7E, Township 37S Range 8E, Township 37S Range 9E;

(d) Land Manager means:

(1) With respect to any public lands, the secretary of a department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands, including persons to whom such management authority has been officially delegated;

(2) In the case of Indian lands, or any public lands with respect to which no department, agency or instrumentality has primary management authority, such term means the Secretary of the Interior;

(3) The Secretary of the Interior, when the head of any other agency or instrumentality has, with the consent of the Secretary of the Interior, delegated to the Secretary of the Interior the responsibilities (in whole or in part) in this ordinance.

(e) Outstandingly Remarkable / Relevant-Important means: rare, unique or regionally exemplary. Federal regulation is largely silent on definitions for outstandingly remarkable/relevant- important values. Minimum standards apply the Escalante Historic/Cultural Grazing Region as described in specific sections of this ordinance.

(f) Permittee means any person who obtains from Garfield County a permit to impact cultural resources or associated habitat in the Escalante Historic/Cultural Grazing Region and to carry out activities associated with such actions.

(g) Public Land means:

(1) Lands which are owned and administered by the United States as part of the National Park system, the National Wildlife Refuge system, or the National Forest system; and

(2) All other lands the fee title to which is held by the United States, except Indian lands.

(h) Indian Land means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for subsurface interests not owned or controlled by an Indian tribe or Indian individual.

(i) Person means an individual, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the United States, or of any Indian tribe, or of any State or political subdivision thereof.

(j) Region of Comparison means geographical areas comprised of the State of Utah, the Colorado Plateau, the Four Corners Area, and the traditional lands of the Anasazi, Paiute, and Navajo tribes.

(k) Site Of Religious Or Cultural Importance means a location which has traditionally been considered important because

(1) Of a religious event which happened there;

(2) It contains specific natural products which are of religious or cultural importance;

(3) It is believed to be the dwelling place of, the embodiment of, or a place conducive to communication with spiritual beings;

(4) It contains elements of life-cycle rituals, such as burials and associated materials;

(5) Or it has other specific and continuing significance in Garfield County religion or culture.

1.4 PROHIBITED ACTS AND CRIMINAL PENALTIES

(a) No person may destroy, diminish, damage, or otherwise deface, or attempt to may destroy, diminish, damage, or otherwise deface historic or cultural resources and associated habitat located on public lands in the Escalante Grazing Zone unless such activity is pursuant to a permit issued by Garfield County or exempted by Sec. 1.5(b) of this Ordinance.

(b) No person may sell, purchase, exchange, transport, or receive any historic or cultural resource, if such resource was obtained in violation of:

(1) The prohibitions contained in paragraph (a) of this section; or

(2) Any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal, State or Local law.

(c) A person is guilty of a class B misdemeanor if that person:

(1) Violates this part of the ordinance: or

(2) Counsels, solicits, or employs any other person to violate.

1.5 PERMIT REQUIREMENTS AND EXCEPTIONS

(a) Any person proposing to destroy, diminish, damage, or otherwise deface historic or cultural resources and associated habitat located on public lands in the Escalante Grazing Zone or to carry out acts associated with such activities shall apply to the Garfield County for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued. Garfield County may issue a permit to any qualified person, subject to appropriate terms and conditions, provided that the person applying for a permit meets conditions in Sec. 1.7 (a) of this part.

(b) Exceptions:

(1) No permit shall be required under this part for any person conducting activities on Garfield County lands under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the destruction, damage, or other negative impact to historic or cultural resources and associated habitat located on public lands in the Escalante Historic/Cultural Grazing Region, even though those activities might incidentally result in the disturbance of cultural resources or habitat. General earth-moving, excavation, road work, mining, drilling conducted under a permit or other authorization shall not be construed to mean the destruction, damage, or other negative impact as used in this part. This exception does not, however, affect the person's responsibility to comply with other authorities which protect cultural resources and/or are consistent with rangeland/forest health principles.

(2) No permit shall be required under this part for any person observing or collecting for private purposes any rock, coin, bullet, or mineral which is not a cultural resource, provided that such collecting does not result in disturbance of activities or resources protected by this act.

(c) Individual persons carrying out official agency duties under a Federal/State land manager's direction, associated with the management of Escalante Historic/Cultural Grazing Region resources and habitat, need not follow the permit application procedures if the Federal/State Land Manager has obtained a permit for such activities for resources within his/her jurisdiction. However, the Federal/State land manager shall insure that permit provisions are met if activities affect any cultural resource listed on the Garfield County Register of Cultural Resources.

1.6 APPLICATION FOR PERMITS AND INFORMATION COLLECTION

(a) Any person may apply to Garfield County for a permit to impact cultural resources or associated habitat in the Escalante Historic/Cultural Grazing Region and to carry out activities associated with such actions.

(b) Each application for a permit shall include:

(1) The nature and extent of the work proposed, including how and why it is being conducted, proposed time of performance, location maps, monitoring, desired benefits, laws/regulations requiring the work, and proposed outlet for public written dissemination of the results.

(2) The name and address of the individual(s) proposed to be responsible for conducting the work and carrying out the terms and conditions of the permit, agency/institutional affiliation, if any, and evidence of education, training, and experience.

(3) Evidence of the applicant's ability to initiate, conduct, and complete the proposed work, including other authorizations/permits issued for the work, evidence of logistical support and land management capabilities.

(4) Where the application is for the elimination, reduction and/or removal of cultural resources in Garfield County:

(A) The name of the institution in which the applicant proposes to store all items derived from the proposed work.

(B) Reasons, if any, why the items cannot remain in Garfield County for the use, benefit and enjoyment of the County's residents and visitors.

(C) Proposed plans for returning the items for the use, benefit and enjoyment of the County's residents and visitors.

(5) Where the application is for destruction, elimination, reduction, diminishment, or removal of historic or cultural resources, activities, grazing levels, and/or associated habitat located on designated lands in the Escalante Grazing Zone:

(A) Scientific /regulatory information justifying the action.

(B) Resources allocated for in kind replacement and/or equal compensation for loss of the resource.

(C) Alternatives available for completing the action without impacting the resource and why such actions were not chosen.

(D) How the action complies with Garfield County's protection of cultural resources policy.

(E) Comparative benefits and detriments to the resource, including impacts to the County's custom, culture, values, health, welfare, socioeconomic condition, use and enjoyment;

(c) Garfield County may require additional information, pertinent to cultural resource protection responsibilities, to be included in the application for permit and shall so inform the applicant.

1.7 ISSUANCE OF PERMITS

(a) Garfield County may issue a permit, for a specified period of time appropriate to the work to be conducted, upon determining that:

(1) The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable competence relative to the type and scope of the work;

(2) The proposed work furthers Garfield County's policies regarding cultural resources and/or is in the public interest;

(3) The proposed work, including time, scope, location, and purpose, is not inconsistent with the County's General Management Plan and/or cultural resource protection ordinances, or if inconsistent no other reasonable alternative exists and adequate replacement/compensation for lost cultural resources is being provided;

(4) The proponent understands and is willing to comply with all Federal, State, and Local laws pertaining to cultural resources;

(5) Every reasonable effort has been made to improve the opportunity for benefit, use and enjoyment of cultural resources and associated habitat for Garfield County's residents and visitors.

(b) When the area of the proposed work would cross jurisdictional boundaries, so that permit applications must be submitted to more than one Federal land manager, the Federal land managers shall coordinate permitting requirements with the County.

1.8 TERMS AND CONDITIONS OF PERMITS

(a) In all permits issued, Garfield County may specify:

(1) The nature and extent of work;

(2) The name of responsible individual(s);

(3) The location in which any impacts to cultural resources and associated habitat

shall be mitigated.; and

(4) Public education, interpretive, monitoring and/or reporting requirements.

(b) The County may specify such terms and conditions as deemed necessary to protect public safety, health, welfare, morals, and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under a permit.

(c) Initiation of work or other activities under the authority of a permit signifies the proponent's acceptance of the terms and conditions of the permit.

1.9 SUSPENSION AND REVOCATION OF PERMITS

(a) Suspension or revocation for cause.

(1) Garfield County may suspend a permit issued pursuant ordinance upon determining that the permittee has failed to meet any of the terms and conditions of the permit or has violated Federal, State or Local law. The County shall provide written notice to the permittee of the suspension, the cause thereof, and the requirements which must be met before the suspension will be removed.

(2) The County may revoke a permit upon the permittee's conviction under laws protecting cultural resources, or upon determining that the permittee has failed after notice under this section to correct the situation which led to suspension of the permit.

(b) Suspension or revocation for management purposes. Garfield County may suspend or revoke a permit, without liability to the County, its agents, or employees, when continuation of work under the permit would be in conflict with County Management Plan requirements or purposes of the Escalante Historic/Cultural Grazing Region not in effect when the permit was issued. The County shall provide written notice to the permittee stating the nature of and basis for the suspension or revocation.

1.10 APPEALS RELATING TO PERMITS

Any affected person may appeal permit issuance, denial of permit issuance, suspension, revocation, and terms and conditions of a permit before the County Commission, or through procedures which may be established pursuant to this ordinance.

1.11 RELATIONSHIP TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Issuance of a permit in accordance with this ordinance does not constitute an undertaking requiring compliance with section 106 of the Act of October 15, 1966 (16 U.S.C. 470f). However, the mere issuance of such a permit does not excuse the permittee from compliance with section 106 where otherwise required.

1.12 CUSTODY OF HISTORIC/CUTRUAL RESOURCES

- (a) Historic/cultural resources removed from designated lands in the Escalante Historic/Cultural Grazing Regions remain the property of the proper legal authority.
- (b) The County may consider the exchange of resources/habitat with other entities.

1.13 DETERMINATION OF RESOURCE VALUE AND COST OF RESTORATION AND REPAIR

- (a) Resource value. The resource value of any cultural resource / habitat shall be determined in accordance with principles outlined in 43 CFR Part 7.14(a) as modified to conform to resources protected by the Escalante Historic/Cultural Grazing Region Act.
- (b) Commercial value. The commercial value of any cultural resource/ habitat shall be determined in accordance with principles outlined in 43 CFR Part 7.14(b) as modified to conform to resources protected by the Escalante Historic/Cultural Grazing Region Act.
- (c) Cost of restoration and repair. The cost of restoration and repair of any cultural resource / habitat damaged as a result of a violation of this ordinance shall be determined in accordance with principles outlined in 43 CFR Part 7.14(c) as modified to conform to resources protected by the Escalante Historic/Cultural Grazing Region Act.

1.14 CONFIDENTIALITY OF CULTURAL RESOURCE INFORMATION

(a) Federal law prohibits land managers from making certain information available to the public for specific cultural resources. Land managers and permittees may mask nature and location information only to the extent that it complies with law for protected resources. Garfield County shall not make available to the public any information protected by law. The following information shall be provided by land managers and permittees:

- (1) General descriptions of resources and their significance;
- (2) Resource/ habitat dimensions and graphical representations of lands on which resources are located;
- (3) Information which advances the purposes of this act while providing for the interpretation and enjoyment of current and future generations;
- (4) Any other information necessary for the County to administer this ordinance.

(b) Land managers considering portions of the Escalante Historic/Cultural Grazing Region for special designation status (Areas of Critical Environmental Concern, Wild and Scenic Rivers, Conservation Areas, Monuments, Parks, etc.) based on cultural resource values shall document compliance with criteria for Outstandingly Remarkable/Relevant-Important values as defined by County plans and ordinances.

(c) Land managers considering portions of the Escalante Historic/Cultural Grazing Region for special protections (Primitive areas, backcountry areas, SRMAs, critical habitat, non WSA lands with wilderness character, unroaded/undeveloped, etc.) shall document compliance with criteria defined by County plans and ordinances.

1.15 PUBLIC AWARENESS PROGRAMS

(a) Each permittee or land manager impacting cultural resources of the Escalante Historic/Cultural Grazing Region will establish programs to:

- (1) Increase public awareness of the need to protect important cultural resources of the Escalante Historic/Cultural Grazing Region; and
- (2) Advance the benefit, use and enjoyment of cultural resources in the Escalante Historic/Cultural Grazing Region.

(b) Each permittee or land manager impacting cultural resources of the Escalante Historic/Cultural Grazing Region should incorporate into current actions public education and interpretation programs where appropriate.

1.16 SURVEYS AND SCHEDULES

(a) Federal land managers are required to develop plans and schedules for surveying specific cultural resources that are likely to contain the most scientifically valuable resources. Resources located in the Escalante Historic/Cultural Grazing Region contain valuable scientific data regarding natural history, socioeconomics, anthropology, botany, biology and other sciences. Garfield County has established survey priorities for the Escalante Historic/Cultural Grazing Region as follows:

- (1) Level II or Level III surveys, as appropriate, for resources impacted by current, proposed or imminent projects;
- (2) Level III surveys for resources considered Outstandingly Remarkable / Relevant-Important;
- (3) Level I, Level II or Level III surveys for other resources.

(b) Failure to plan, schedule and conduct surveys in accordance with the priorities in Section 1.16(a) without written County approval is:

- (1) A violation of the ordinance; and
- (2) Inconsistent with the County Management Plan. ; and
- (3) A violation of coordination and consistency requirements of federal law.

1.17 DETERMINATION OF LOSS OR ABSENCE OF CULTURAL INTEREST

(a) Under certain circumstances, Garfield County may determine, pursuant to Sec. 1.2 of this part, that certain resources/habitat are not or are no longer of cultural interest, and therefore are not to be considered protected under this Act.

(b) Garfield County may make such a determination if the County finds that the resources/habitat are not capable of providing cultural significance or historic understanding of past human behavior, cultural adaptation, and related topics.

(c) Prior to making a determination that resources are not or are no longer significant, Garfield County may complete some or all of the following procedures:

- (1) A detailed evaluation of resources/habitat within the area under consideration will be completed.
- (2) Federal and/or State professionals will be requested to recommend whether resources/habitat under consideration contribute to history, custom, culture, humanistic understandings of past human behavior, and/or related topics.

- (d) The County will make the determination based upon established facts and recommendations of knowledgeable individuals and will document the basis.
- (e) The County will make public record of the determination and any permitting requirements for activities associated with cultural resources/habitat determined not to be significant.
- (f) Any determination made pursuant to this section shall in no way affect any person's obligations under other applicable laws or regulations.

1.18 PROCEDURAL INFORMATION FOR SECURING PERMITS

Information about procedures to secure a permit to impact cultural resources can be obtained from Garfield County

1.19 PERMIT REVIEWS AND DISPUTES

- (a) Any affected person disputing Garfield County's decision with respect to the issuance or denial of a permit, the inclusion of specific terms and conditions in a permit, or the modification, suspension, or revocation of a permit may request the County Commission review the disputed decision and may request a meeting to discuss the decision and its basis.
- (b) Any affected person may request a review by the State Historic Preservation Officer of any professional issues involved in a County permitting decision. The State Historic Preservation Officer may make a recommendation to Garfield County. Garfield County will consider the recommendation, but may reject it, in whole or in part, for good cause. This request should be in writing, and should state the reasons for the request.

SECTION 2 - MANAGEMENT

2.1 ESTABLISHMENT & PURPOSE

- (a) There is established the Escalante Historic/Cultural Grazing Region for the purposes of (a) recognizing and preserving the significant history, culture, custom, and values of the grazing industry within the designation; and (b) maximizing efficient and responsible preservation, enhancement and development of grazing practices, habitat and affected natural, historic and cultural activities within the

designation.

2.2 BOUNDARY

The land area and boundaries of the Escalante Historic/Cultural Grazing Region are described in Subsection 1.3(c) and illustrated on the map attached as Exhibit 1.

2.2 FINDINGS

Garfield County finds that:

(a) Grazing on the lands comprising the Escalante Historic/Cultural Grazing Region has provided a significant contribution to the history, custom, culture and values of the area for more than 100 years;

(b) Abundant natural and vegetative resources exist within the Escalante Historic/Cultural Grazing Region to support and expand continued, responsible grazing activities;

(c) Grazing and its associated historic resources, its long and dignified human history, its shaping human endeavors in the American West, its variety of cultural resources, affiliation, type and distribution, its landmarks, structures and other objects of historic or scientific interest are worthy of and have been recognized for protection by local, state and federal governments;

(d) The highest management priority for lands within the Escalante Historic/Cultural Grazing Region is responsible management, enhancement and development of existing and future grazing resources in order to provide protection for the resources, objects, customs, culture and values identified above;

(e) Responsible development of abundant deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar energy potential are compatible with grazing activities in the Escalante Historic/Cultural Grazing Region ;

(f) Responsible development of abundant recreation resources, including roads, campgrounds, water, trails, OHV use, sightseeing, canyoneering, and hiking are compatible with grazing activities in the Escalante Historic/Cultural Grazing Region;

(e) Adequate knowledge and techniques exist to promote and enhance grazing within the Escalante Historic/Cultural Grazing Region while conducting other multiple use activities.

2.3 POLICY

Garfield County supports:

(a) Efficient and responsible full development, within the Escalante Historic/Cultural Grazing Region of

- (1) All permitted existing and future grazing resources;
- (2) Other uses compatible with grazing activities; and
- (3) Development and expansion of the maximum responsible allocation of AUMs and grazing permits

(b) A coordinated and cooperative management approach by federal agencies, state, and local government to achieve broadly supported management plans for the full development, within the Escalante Historic/Cultural Grazing Region, of:

- (1) All grazing resources and habitat;
- (2) All responsible grazing activities; and
- (3) Other uses compatible with grazing activities.

Garfield County calls upon state and federal agencies that administer lands within the Escalante Historic/Cultural Grazing Region to:

(a) Fully cooperate and coordinate with Garfield County to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under law;

(b) Expedite the processing, granting, and streamlining of grazing permits, range improvements and applications to enhance and otherwise develop all existing and permitted grazing resources located within the Escalante Historic/Cultural Grazing Region, including renewable vegetative resources;

(c) Allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section and consistent with multiple use / sustained yield principles;

(d) Refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the Escalante

Historic/Cultural Grazing Region as stated in this Act; and

(e) Refrain from implementing a policy that is contrary to the goals and purposes described within this section.

Garfield County calls upon Congress to establish an intergovernmental standing commission among federal, state, and local governments to guide and control planning decisions and management actions in the Escalante Historic/Cultural Grazing Region in order to achieve and the goals, purposes, and policies described in this Act.

2.4 MINERAL CONSIDERATIONS

Notwithstanding the provisions of this Act, Garfield County's mineral, oil, gas and energy policies and plans on land within the Escalante Historic/Cultural Grazing Region shall continue to be governed by the County's Resource Management Plan and Sections 63J-4-401 and 63J-8-104 of the Utah Code.

PASSED, APPROVED, AND ADOPTED on this ____ day of _____, **2013** by the Garfield County Commission.

Signatures and Vote:

Yes No

Commission

Chairman: _____
Clare M. Ramsay

Commission: _____
H. Dell Lefevre

Commission: _____
Leland F. Pollock

ATTEST:

County Clerk: _____

Camille Moore

County Seal:

Also need to do a grazing section for the County resource management plan